

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JULIANA D. CASTANEDA, §  
§  
*Plaintiff,* §  
§  
v. § Case No. 4:11cv658  
§ (Judge Clark/Judge Mazzant)  
THE BANK OF NEW YORK MELLON §  
F/K/A THE BANK OF NEW YORK AS §  
TRUSTEE FOR THE CERTIFICATE §  
HOLDERS OF CWABS, INC., ASSET- §  
BACKED CERTIFICATES, SERIES §  
2007-2, BANK OF AMERICA, N.A., §  
AND RECONTRUST COMPANY, N.A., §  
§  
*Defendants.* §

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 6, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants The Bank of New York Mellon, N.A. incorrectly named as Bank of New York Mellon, f/k/a Bank of New York as Trustee for the Certificate Holders of CWABS, Inc., Asset-Backed Certificates, Series 2007-2, Bank of America, N.A., ReconTrust Company, N.A., a wholly owned subsidiary of Bank of America, N.A.'s Motion to Dismiss Plaintiff's Second Amended Complaint and Application for Preliminary and Permanent Injunction [Doc. #23] be denied.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the

Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Defendants The Bank of New York Mellon, N.A. incorrectly named as Bank of New York Mellon, f/k/a Bank of New York as Trustee for the Certificate Holders of CWABS, Inc., Asset-Backed Certificates, Series 2007-2, Bank of America, N.A., ReconTrust Company, N.A., a wholly owned subsidiary of Bank of America, N.A.'s Motion to Dismiss Plaintiff's Second Amended Complaint and Application for Preliminary and Permanent Injunction [Doc. #23] is DENIED.

So **ORDERED** and **SIGNED** this **20** day of **July, 2012**.



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Ron Clark, United States District Judge